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**PHOENIX FIBERS, INC.**

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

SWEET PEOPLE APPAREL, INC.  
d/b/a MISS ME, a California  
corporation, et al.,

Plaintiffs,

V.

PHOENIX FIBERS, INC., an  
Arizona corporation, et al..

## Defendants.

Case No. 2:16-cv-00940-TJH-JC

Hon. Terry J. Hatter, Jr.

## DEFENDANT PHOENIX FIBERS, INC.'S APPENDIX OF EVIDENCE

**VOLUME 2 OF 2 – EXHIBITS II - NN**

*[Notice and Motion and Motion;  
Memorandum of Points and Authorities;  
Statement of Uncontroverted Facts;  
[Proposed] Judgment and [Proposed]  
Order Filed Concurrently Herewith]*

Date: January 30, 2017  
Time: Under submission  
Location: Courtroom 9B  
First Street Courthouse

**APPENDIX IN SUPPORT OF PHOENIX FIBERS MOTION FOR  
SUMMARY JUDGMENT OR, IN THE ALTERNATIVE,  
PARTIAL SUMMARY JUDGMENT**

<u>TAB</u>	<u>DESCRIPTION</u>	<u>APP</u>
A	Declaration of Tod Kean in Support of Defendants' Motions for Summary Judgment	APP-0001 – APP-0005
B	Declaration of Steven Johnson in Support of Defendants' Motions for Summary Judgment	APP-0006 – APP-0010
C	Declaration of Christopher Maciel in Support of Defendants' Motions for Summary Judgment	APP-0011 – APP-0017
D	Excerpts from the Deposition of Lisa Song	APP-0018 – APP-0052
E	Excerpts from the Deposition of Lilly Kim	APP-0053 – APP-0096
F	Excerpts from the Deposition of Felipe Salgado	APP-0097 – APP-0117
G	Excerpts from the Deposition of Tiffany Wolff	APP-0118 – APP-0123
H	First Amended Complaint [Docket #32]	APP-0124 – APP-0149
I	<a href="http://crossroadstrading.com/about-us/">http://crossroadstrading.com/about-us/</a>	APP-0150 – APP-0157
J	<a href="http://cherryconsign.com/">http://cherryconsign.com/</a>	APP-0158 – APP-0161
K	<a href="http://www.buffaloexchange.com/about-us/">http://www.buffaloexchange.com/about-us/</a>	APP-0162 – APP-0164
L	<a href="http://ragstock.com/about/">http://ragstock.com/about/</a>	APP-0165 – APP-0167
M	Digging for Diamonds: A Conceptual Framework for Understanding Reclaimed Textile Products	APP-0168 – APP-0181
N	PHX001387-PHX001388	APP-0182 – APP-0183
O	PHX001389-PHX001417	APP-0184 – APP-0212

<u>TAB</u>	<u>DESCRIPTION</u>	<u>APP</u>
2 3	P Lisa Song LinkedIn Profile [Deposition Exhibit 65]	APP-0213 – APP-0215
4 5	Q November 3, 2011 Email from Lisa Song to Matt@PHXFibers [Deposition Exhibit 67]	APP-0216 – APP-0217
6 7	R December 3, 2015 Email from Felipe Salgado to Lilly Kim [Deposition Exhibit 31]	APP-0218 – APP-0219
8 9 10	S December 4, 2015 Email from Bahram Reihan to CustomerCare@rockrevival.com [Deposition Exhibit 32]	APP-0220 – APP-0221
11	T Phoenix Fibers webiste[Deposition Exhibit 38]	APP-0222
12 13	U January 18, 2012 Certificate of Recycle [Deposition Exhibit 39]	APP-0223
14 15 16 17	V January 16, 2016 Plaintiff RCRV Objections and Responses to Defendant Phoenix Fibers, Inc.'s First Set of Interrogatories [Deposition Exhibit 56]	APP-0224 – APP-0246
18 19 20 21	W January 16, 2016 Plaintiff Sweet People Apparel Objections and Responses to Defendant Phoenix Fibers, Inc.'s First Set of Interrogatories [Deposition Exhibit 57]	APP-0247 – APP-0269
22 23 24	X February 26, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 44]	APP-0270 – APP-0272
25 26 27 28	Y June 15, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 48]	APP-0273 – APP-0275

<u>TAB</u>	<u>DESCRIPTION</u>	<u>APP</u>
Z	September 1, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 49]	APP-0276 – APP-0277
AA	September 1, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 50]	APP-0278 – APP-0279
BB	September 15, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 51]	APP-0280 – APP-0282
CC	October 1, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 52]	APP-0283 – APP-0284
DD	October 19, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 53]	APP-0285 – APP-0286
EE	November 7, 2011 Email from Lisa Song to Matt Graham and Steve Kim [Deposition Exhibit 71]	APP-0287 – APP-0288
FF	November 4, 2011 Email from Matt Graham to Lisa Song [Deposition Exhibit 69]	APP-0289
GG	US General Export Shipping Documents [Deposition Exhibit 1]	APP-0290 – APP-0313
HH	August 20, 2016 Defendant U.S. General Export, Inc.'s Responses to Defendant Phoenix Fibers' Request for Admission	APP-0314 – APP-0320

<u>TAB</u>	<u>DESCRIPTION</u>	<u>APP</u>
II	June 16, 2016 Plaintiff RCRV Objections and Responses to Defendant Phoenix Fibers, Inc.'s First Set of Request for Admission	APP-0321 – APP-0336
JJ	June 16, 2016 Plaintiff Sweet People Apparel, Inc. Objections and Responses to Defendant Phoenix Fibers, Inc.'s, First Set of Request for Admission	APP-0337 – APP-0352
KK	June 1, 2016 Defendant Phoenix Fibers, Inc.'s Responses to Plaintiff Sweet People Apparel, Inc.'s First Set of Interrogatories [Deposition Exhibit 8]	APP-0353 – APP-0363
LL	Articles of Incorporation of Phoenix Fibers Inc. [Deposition Exhibit 15]	APP-0364 – APP-0372
MM	<a href="http://www.missme.com/categories/jeans">http://www.missme.com/categories/jeans</a>	APP-0373 – APP-0381
NN	<a href="http://www.rockrevival.com/categories/men/jeans">http://www.rockrevival.com/categories/men/jeans</a> and <a href="http://www.rockrevival.com/categories/women">http://www.rockrevival.com/categories/women</a>	APP-0382 – APP-0391

20 DYATED: December 30, 2016

21 HAYNES AND BOONE, LLP

22 By: /s Kenneth G. Parker23 Kenneth G. Parker  
24 Attorneys for Defendant  
25 PHOENIX FIBERS, INC.

26

27

28

**CERTIFICATE OF SERVICE**

I, the undersigned, declare that I am over the age of 18 years and not a party to the within action. I am employed in the County of Orange, State of California, within which county the subject service occurred. My business address is 600 Anton Boulevard, Suite 700, Costa Mesa, California 92626.

On December 30, 2016, I served the following document described as:  
**DEFENDANT PHOENIX FIBERS, INC.'S APPENDIX OF EVIDENCE**  
**VOLUME 2 OF 2 – EXHIBITS II – NN** on the interested parties in this action in the manner identified below:

[XXX] **BY ELECTRONIC FILING.** I caused such document(s) to be electronically filed and served through the United States District Court's CM/ECF System for the within action. This service complies with the Federal Rules of Civil Procedure. The file transmission was reported as complete and a copy of the Court's Notice of Electronic Filing will be maintained with the original document(s) in our office. Participants in the case who are registered CM/ECF users will be served by the District CM/ECF System.

I declare that I am employed in the offices of a member of the bar of this Court at whose direction this service was made, and that this service complies with the Federal Rules of Civil Procedure.

Executed on December 30, 2016, at Costa Mesa, California.

/s Breean Cordova  
Breean Cordova

# EXHIBIT II

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

SWEET PEOPLE APPAREL, INC.  
d/b/a MISS ME, a California  
corporation, and RCRV, INC. d/b/a  
ROCK REVIVAL, a California  
corporation,

Plaintiffs,

V.

PHOENIX FIBERS, INC., an Arizona corporation, U.S. GENERAL EXPORT, INC., a California corporation, SAC INTERNATIONAL TRADERS, INC., a California corporation, SHAUKAT ALI CHOCHAN, an individual, COMAK TRADING, INC., a California corporation, LYDIA EVILSA TERRAZAS CHO, an individual, MYUNG KWON CHO, an individual, TIFFANY ALANA WOLFF, an individual d/b/a MISS V LANE, XYZ COMPANIES 1-10, and JOHN AND JANE DOES 1-10.

## Defendants.

Case No.: 2:16-cv-00940

Hon. Terry J. Hatter, Jr.

**OBJECTIONS AND RESPONSES TO  
DEFENDANT PHOENIX FIBERS  
INC.'S FIRST SET OF REQUESTS  
FOR ADMISSION TO PLAINTIFF  
RCRV, INC. D/B/A ROCK REVIVAL**

1 Plaintiff RCRV, Inc. d/b/a Rock Revival (“RCRV”) responds to Defendant  
2 Phoenix Fibers, Inc.’s (“Phoenix Fibers”) First Set of Requests For Admission to  
3 RCRV (the “Requests for Admission”) as follows:

4 **GENERAL OBJECTIONS**

5 RCRV makes the following General Objections to Phoenix Fibers’ Requests  
6 for Admission, which apply to each Request for Admission regardless of whether the  
7 General Objections are expressly incorporated into the specific objections below:

8 1. RCRV objects to the Requests for Admission to the extent that they call  
9 for the provision of information outside the custody, possession, or control, or  
10 knowledge of RCRV, or otherwise seek to impose obligations beyond, or different  
11 from, those imposed by the Federal Rules of Civil Procedure or the Local Civil Rules  
12 of this Court.

13 2. RCRV objects to the Requests for Admission to the extent they are  
14 duplicative, overbroad, unduly burdensome and vexatious, or calls for information  
15 that is not relevant to any party’s claim or defense and proportional to the needs of  
16 the case, considering the importance of the issues at stake in the action, the amount in  
17 controversy, the parties’ relative access to relevant information, the parties’  
18 resources, the importance of the discovery in resolving the issues, and whether the  
19 burden or expense of the proposed discovery outweighs its likely benefit.

20 3. RCRV objects to the Requests for Admission to the extent they seek  
21 discovery of information subject to the attorney-client privilege, the attorney work-  
22 product doctrine, the accountant-client privilege, the common interest privilege, the  
23 joint defense privilege, the self-evaluative privilege or any other lawfully recognized  
24 privilege.

25 4. RCRV objects to the Requests for Admission as premature because  
26 discovery, including fact discovery and expert discovery, is incomplete.

27 5. RCRV’s responses set forth herein are made without waiving, in any  
28 way: (a) its rights to object to the Requests for Admission, the responses, or the

1 subject matter thereof, as to the competency, relevancy, materiality, privilege, and  
2 admissibility as evidence for any purpose, in any proceeding in, or at the trial of, this  
3 or any other action; the responses are, similarly, not to be deemed an admission as to  
4 their competency, relevancy, materiality, privilege, or admissibility as evidence for  
5 any purpose in this or any other action; (b) its right to object on any ground to the use  
6 of these responses, or the subject matter thereof, in any proceeding in, or at the trial  
7 of, this or any other action; or (c) its right to object on any ground at any time to  
8 requests to admit, interrogatories, or other discovery procedures involving or relating  
9 to the subject matter of the Requests for Admission. In providing a response to a  
10 Request for Admission, RCRV does not waive any objection to the admissibility of  
11 the response, including any document cited therein, on grounds of relevancy,  
12 foundation, hearsay or other grounds.

13 6. Insofar as any of Phoenix Fibers' Requests for Admission seek  
14 information to which the foregoing objections apply, specification of or failure to  
15 note general objections is not a waiver of those or other general objections with  
16 respect to any request. RCRV also reserves the right to assert additional general or  
17 specific objections arising from matters discovered during the course of this  
18 litigation.

19 7. RCRV's investigation is on-going and so it reserves the right to  
20 supplement or amend its responses as reasonably necessary at any time before the  
21 Final Pre-Trial Conference.

22 **OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION**  
23 **REQUEST FOR ADMISSION NO. 1**

24 Admit that before October 27, 2015, ROCK REVIVAL believed that a  
25 DONATED PRODUCT would be "destroyed" if it was "recycled."

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 1**

27 RCRV incorporates the above stated General Objections as if fully set forth  
28 herein.

1       Subject to and without waiving the foregoing objections, RCRV admits that  
2 both before and after October 27, 2015 it believed that all damaged, unfinished,  
3 returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products  
4 that it shipped to Phoenix Fibers for recycling into shoddy fiber would be destroyed  
5 in the recycling process (*i.e.*, the donated ROCK REVIVAL apparel products would  
6 not merely be resold). Under no circumstances would RCRV have gone to the effort  
7 and expense of delivering damaged, unfinished, returned, obsolete, or otherwise  
8 second-quality ROCK REVIVAL apparel products to Phoenix Fibers' Arizona-based  
9 facility, only to have such products, which were to be destroyed and recycled into  
10 shoddy fiber, sold back into the stream of commerce.

11 **REQUEST FOR ADMISSION NO. 2**

12       Admit that ROCK REVIVAL shipped products to PHOENIX FIBERS that  
13 could not be turned into shoddy fiber.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 2**

15       RCRV incorporates the above stated General Objections as if fully set forth  
16 herein.

17       Subject to and without waiving the foregoing objections, RCRV states that it  
18 lacks knowledge or information sufficient to enable it to admit or deny this Request  
19 for Admission, and, therefore, denies it. RCRV further states that at no time did  
20 Phoenix Fibers ever advise RCRV that it was unable to destroy and recycle any of the  
21 damaged, unfinished, returned, obsolete, or otherwise second-quality ROCK  
22 REVIVAL apparel products that RCRV delivered to Phoenix Fibers into shoddy  
23 fiber.

24 **REQUEST FOR ADMISSION NO. 3**

25       Admit that, prior to October 27, 2015, ROCK REVIVAL never sought  
26 confirmation from PHOENIX FIBERS that the DONATED PRODUCTS had been  
27 destroyed.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 3**

2 RCRV incorporates the above stated General Objections as if fully set forth  
3 herein. RCRV further objects to this Request for Admission on the ground that the  
4 phrase "never sought confirmation" is vague and ambiguous as used herein, and  
5 further incorrectly implies that RCRV had an obligation to confirm Phoenix Fibers'  
6 compliance with its agreement to convert donated damaged, unfinished, returned,  
7 obsolete, or otherwise second-quality ROCK REVIVAL apparel products into  
8 shoddy fiber.

9 Subject to and without waiving the foregoing objections, RCRV admits that  
10 prior to October 27, 2015, RCRV was not aware of Phoenix Fibers' breach of its  
11 agreement to convert donated damaged, unfinished, returned, obsolete, or otherwise  
12 second-quality ROCK REVIVAL apparel products into shoddy fiber, and, therefore,  
13 never sought Phoenix Fibers' confirmation that it was complying with its agreement  
14 to destroy the damaged, unfinished, returned, obsolete, or otherwise second-quality  
15 ROCK REVIVAL apparel products that RCRV donated to Phoenix Fibers.

16 **REQUEST FOR ADMISSION NO. 4**

17 Admit that, prior to October 27, 2015, ROCK REVIVAL never verbally or  
18 electronically told PHOENIX FIBERS that reselling the DONATED PRODUCTS  
19 was prohibited.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 4**

21 RCRV incorporates the above stated General Objections as if fully set forth  
22 herein. RCRV further objects to this Request for Admission on the ground that the  
23 phrase "never verbally or electronically told" is vague and ambiguous as used herein,  
24 and further incorrectly implies that RCRV had an obligation to confirm Phoenix  
25 Fibers' compliance with its agreement to convert donated damaged, unfinished,  
26 returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products  
27 into shoddy fiber, and not to merely resell such products in the same condition as  
28 they were received, which would be counter to the very reason why RCRV had gone

1 to the effort and expense of delivering such products to Phoenix Fibers.

2 Subject to and without waiving the foregoing objections, RCRV admits that  
3 prior to October 27, 2015, RCRV was not aware of Phoenix Fibers' resale of donated  
4 damaged, unfinished, returned, obsolete, or otherwise second-quality ROCK  
5 REVIVAL apparel products in breach of its agreement to convert such products into  
6 shoddy fiber, and, therefore, "never verbally or electronically told" Phoenix Fibers  
7 that reselling such products was prohibited since that was the antithesis of why  
8 RCRV agreed to donate such products to Phoenix Fibers, at significant cost, for  
9 destruction and recycling into shoddy fiber.

10 **REQUEST FOR ADMISSION NO. 5**

11 Admit that PHOENIX FIBERS never used the ROCK REVIVAL trademark  
12 to sell any of the DONATED PRODUCTS.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 5**

14 RCRV incorporates by reference the above-stated General Objections as if fully  
15 set forth herein. RCRV further objects to this Request for Admission on the basis that  
16 the phrase "used the ROCK REVIVAL trademark to sell" is vague and ambiguous as  
17 used therein, especially since the ROCK REVIVAL trademark appears on all of  
18 RCRV's ROCK REVIVAL apparel products, including those damaged, unfinished,  
19 returned, obsolete, or otherwise second-quality products which Phoenix Fibers now  
20 admits that it sold to Kamel Mroueh and his companies Mroueh Trading and U.S.  
21 General Export, and others.

22 Subject to and without waiving the foregoing objections, RCRV states that it  
23 lacks knowledge or information sufficient to enable it to admit or deny this Request for  
24 Admission, and, therefore, denies it.

25 **REQUEST FOR ADMISSION NO. 6**

26 Admit that PHOENIX FIBERS never used the ROCK REVIVAL trademark  
27 in connection with the sale of any of the DONATED PRODUCTS.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 6**

2 RCRV incorporates by reference the above-stated General Objections as if fully  
3 set forth herein. RCRV further objects to this Request for Admission on the basis that  
4 the phrase "used the ROCK REVIVAL trademark in connection with the sale" is vague  
5 and ambiguous as used therein, especially since the ROCK REVIVAL trademark  
6 appears on all of RCRV's ROCK REVIVAL apparel products, including those  
7 damaged, unfinished, returned, obsolete, or otherwise second-quality products which  
8 Phoenix Fibers now admits that it sold to Kamel Mroueh and his companies Mroueh  
9 Trading and U.S. General Export, and others.

10 Subject to and without waiving the foregoing objections, RCRV states that it  
11 lacks knowledge or information sufficient to enable it to admit or deny this Request for  
12 Admission, and, therefore, denies it.

13 **REQUEST FOR ADMISSION NO. 7**

14 Admit that ROCK REVIVAL employees reviewed the PHOENIX FIBERS  
15 website before ROCK REVIVAL shipped the DONATED PRODUCTS.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 7**

17 RCRV incorporates by reference the above-stated General Objections as if fully  
18 set forth herein. RCRV further objects to this Request for Admission on the basis that  
19 the term "reviewed" is vague and ambiguous as used therein. RCRV further objects to  
20 this Request for Admission to the extent that it is intended to imply that this statement  
21 permits Phoenix Fibers to sell products that have been donated to it for destruction and  
22 recycling back into the stream of commerce.

23 Subject to and without waiving the foregoing objections, RCRV admits that  
24 one or more RCRV and/or Sweet People Apparel, Inc. employee visited the Phoenix  
25 Fibers website before RCRV agreed to donate damaged, unfinished, returned,  
26 obsolete, or otherwise second-quality ROCK REVIVAL apparel products, at  
27 significant cost, to Phoenix Fibers for destruction and recycling into shoddy fiber.

1 **REQUEST FOR ADMISSION NO. 8**

2 Admit that ROCK REVIVAL employees never visited the PHOENIX  
3 FIBERS facility to inquire about the PHOENIX FIBERS destruction capabilities.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 8**

5 RCRV incorporates by reference the above-stated General Objections as if fully  
6 set forth herein. RCRV further objects to this Request for Admission on the basis that  
7 it improperly implies that a RCRV employee was required to physically visit Phoenix  
8 Fibers' facility to "inquire" about Phoenix Fibers' "destruction capabilities", which  
9 Phoenix Fibers openly touts on its own website and those of its affiliates.

10 Subject to and without waiving the foregoing objections, RCRV admits that  
11 prior to learning of Phoenix Fibers' improper resale of donated damaged, unfinished,  
12 returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products,  
13 RCRV had reasonably relied on Phoenix Fibers' representations as to its capability and  
14 agreement to convert donated damaged, unfinished, returned, obsolete, or otherwise  
15 second-quality ROCK REVIVAL apparel products into shoddy fiber, and that no  
16 RCRV employee had visited Phoenix Fibers' facility to "inquire" about or verify  
17 Phoenix Fibers' representations as to its "destruction capabilities".

18 **REQUEST FOR ADMISSION NO. 9**

19 Admit that ROCK REVIVAL employees never visited the PHOENIX FIBERS  
20 facility to inquire about the PHOENIX FIBERS recycling capabilities.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 9**

22 RCRV incorporates by reference the above-stated General Objections as if  
23 fully set forth herein. RCRV further objects to this Request for Admission on the  
24 basis that it improperly implies that a RCRV employee was required to physically  
25 visit Phoenix Fibers' facility to "inquire" about Phoenix Fibers' "recycling  
26 capabilities", which Phoenix Fibers openly touts on its own website and those of its  
27 affiliates.

28 Subject to and without waiving the foregoing objections, RCRV admits that

1 prior to learning of Phoenix Fibers' improper resale of donated damaged, unfinished,  
2 returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products,  
3 RCRV had reasonably relied on Phoenix Fibers' representations as to its capability  
4 and agreement to convert donated damaged, unfinished, returned, obsolete, or  
5 otherwise second-quality ROCK REVIVAL apparel products into shoddy fiber, and  
6 that no RCRV employee had visited Phoenix Fibers' facility to "inquire" about or  
7 verify Phoenix Fibers' representations as to its "recycling capabilities".

8 **REQUEST FOR ADMISSION NO. 10**

9 Admit that ROCK REVIVAL employees never specifically inquired with  
10 PHOENIX FIBERS what type of materials could be accepted by PHOENIX  
11 FIBERS for recycling.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 10**

13 RCRV incorporates by reference the above-stated General Objections as if fully  
14 set forth herein. RCRV further objects to this Request for Admission on the basis that  
15 at no time did Phoenix Fibers reject any damaged, unfinished, returned, obsolete, or  
16 otherwise second-quality ROCK REVIVAL apparel products that RCRV delivered to  
17 Phoenix Fibers for destruction and recycling into shoddy fiber.

18 Subject to and without waiving the foregoing objections, RCRV denies this  
19 Request for Admission.

20 **REQUEST FOR ADMISSION NO. 11**

21 Admit that ROCK REVIVAL employees never specifically inquired with  
22 PHOENIX FIBERS what type of materials could be accepted by PHOENIX  
23 FIBERS for destruction.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 11**

25 RCRV incorporates by reference the above-stated General Objections as if fully  
26 set forth herein. RCRV further objects to this Request for Admission on the basis that  
27 at no time did Phoenix Fibers reject any damaged, unfinished, returned, obsolete, or  
28 otherwise second-quality ROCK REVIVAL apparel products that RCRV delivered to

1 Phoenix Fibers for destruction and recycling into shoddy fiber.

2 Subject to and without waiving the foregoing objections, RCRV denies this  
3 Request for Admission.

4 **REQUEST FOR ADMISSION NO. 12**

5 Admit that between January 1, 2011 to the present, the PHOENIX FIBERS  
6 website home page has always included the phrase: "The items we do not use in our  
7 shredding process are resold to other recycling companies."

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 12**

9 RCRV incorporates by reference the above-stated General Objections as if fully  
10 set forth herein. RCRV further objects to this Request for Admission to the extent that  
11 it is intended to imply that this "phrase" somehow permitted Phoenix Fibers to sell  
12 products that have been donated to it for destruction and recycling back into the stream  
13 of commerce.

14 Subject to and without waiving the foregoing objections, RCRV states that it  
15 lacks knowledge or information sufficient to enable it to admit or deny this Request for  
16 Admission, and, therefore, denies it.

17 **REQUEST FOR ADMISSION NO. 13**

18 Admit that U.S. General Export, Inc. is a recycling company.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 13**

20 RCRV incorporates by reference the above-stated General Objections as if fully  
21 set forth herein.

22 Subject to and without waiving the foregoing objections, RCRV states that it  
23 lacks knowledge or information sufficient to enable it to admit or deny this Request for  
24 Admission, and, therefore, denies it. RCRV further states that the corporate name of  
25 U.S. General Export, Inc. implies that this entity is an export company.

26 **REQUEST FOR ADMISSION NO. 14**

27 Admit that ROCK REVIVAL never purposefully destroyed any of the  
28 DONATED PRODUCTS to ensure that the DONATED PRODUCTS could not be

1 resold.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 14**

3 RCRV incorporates by reference the above-stated General Objections as if fully  
4 set forth herein. RCRV further objects to this Request for Admission on the basis that  
5 the term “destroyed” is vague and ambiguous as used therein. RCRV further objects to  
6 this Request for Admission on the grounds that it is nonsensical in that RCRV  
7 purposefully donated damaged, unfinished, returned, obsolete, or otherwise second-  
8 quality ROCK REVIVAL apparel products to Phoenix Fibers so that they would be  
9 destroyed and recycled, and forever removed from the stream of commerce.

10 Subject to and without waiving the foregoing objections, RCRV denies this  
11 Request for Admission.

12 **REQUEST FOR ADMISSION NO. 15**

13 Admit that Lily Kim directed PHOENIX FIBERS to “recycle” the DONATED  
14 PRODUCTS.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 15**

16 RCRV incorporates by reference the above-stated General Objections as if fully  
17 set forth herein. RCRV further objects to this Request for Admission on the basis that  
18 it improperly implies that the process of recycling apparel and accessory products into  
19 shoddy fiber does not necessarily involve the destruction of such products.

20 Subject to and without waiving the foregoing objections, RCRV denies that Lilly  
21 Kim personally “directed” Phoenix Fibers to recycle the donated damaged, unfinished,  
22 returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products  
23 into shoddy fiber, but admits that employees acting under Ms. Kim’s instruction and  
24 direction “directed” Phoenix Fibers to recycle the donated damaged, unfinished,  
25 returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products  
26 into shoddy fiber.

27 **REQUEST FOR ADMISSION NO. 16**

28 Admit that ROCK REVIVAL sent non-apparel and non-textile materials in

1 boxes that ROCK REVIVAL shipped to PHOENIX FIBERS.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 16**

3 RCRV incorporates by reference the above-stated General Objections as if fully  
4 set forth herein. RCRV further objects to this Request for Admission on the basis that  
5 the terms "non-apparel" and "non-textile" are vague and ambiguous as used herein.

6 Subject to and without waiving the foregoing objections, RCRV denies this  
7 Request for Admission.

8 **REQUEST FOR ADMISSION NO. 17**

9 Admit that ROCK REVIVAL sent hangers in boxes that ROCK REVIVAL  
10 shipped to PHOENIX FIBERS.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 17**

12 RCRV incorporates by reference the above-stated General Objections as if fully  
13 set forth herein.

14 Subject to and without waiving the foregoing objections, RCRV admits that on  
15 occasion the damaged, unfinished, returned, obsolete, or otherwise second-quality  
16 ROCK REVIVAL apparel products that it shipped to Phoenix Fibers for destruction  
17 and recycling were on hangers, and further states that at no time did Phoenix Fibers  
18 reject any such products that RCRV delivered to Phoenix Fibers for destruction and  
19 recycling, or advise that donated products must not be on hangers.

20 **REQUEST FOR ADMISSION NO. 18**

21 Admit that ROCK REVIVAL sent trash in boxes that ROCK REVIVAL  
22 shipped to PHOENIX FIBERS.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 18**

24 RCRV incorporates by reference the above-stated General Objections as if fully  
25 set forth herein. RCRV further objects to this Request for Admission on the basis that  
26 the term "trash" is vague and ambiguous as used therein.

27 Subject to and without waiving the foregoing objections, RCRV denies this  
28 Request for Admission.

1 **REQUEST FOR ADMISSION NO. 19**

2 Admit that PHOENIX FIBERS never made a statement to any purchaser of  
3 DONATED PRODUCTS about the affiliation, connection, or association of  
4 PHOENIX FIBERS and ROCK REVIVAL.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 19**

6 RCRV incorporates by reference the above-stated General Objections as if fully  
7 set forth herein.

8 Subject to and without waiving the foregoing objections, RCRV states that it  
9 lacks knowledge or information sufficient to enable it to admit or deny this Request for  
10 Admission, and, therefore, denies it.

11 **REQUEST FOR ADMISSION NO. 20**

12 Admit that PHOENIX FIBERS sold DONATED PRODUCTS based solely on  
13 the weight of such products.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 20**

15 RCRV incorporates by reference the above-stated General Objections as if fully  
16 set forth herein.

17 Subject to and without waiving the foregoing objections, RCRV states that it  
18 lacks knowledge or information sufficient to enable it to admit or deny this Request  
19 for Admission, and, therefore, denies it.

20 **REQUEST FOR ADMISSION NO. 21**

21 Admit that PHOENIX FIBERS sold DONATED PRODUCTS based solely on  
22 the weight of such products without regard for the trademark of such product.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 21**

24 RCRV incorporates by reference the above-stated General Objections as if fully  
25 set forth herein. RCRV further objects to this Request for Admission on the basis that  
26 it is duplicative of Request for Admission 20.

27 Subject to and without waiving the foregoing objections, RCRV states that it  
28 lacks knowledge or information sufficient to enable it to admit or deny this Request

1 for Admission, and, therefore, denies it.

2 **REQUEST FOR ADMISSION NO. 22**

3 Admit that PHOENIX FIBERS has multiple customers that purchase shoddy  
4 fiber.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 22**

6 RCRV incorporates by reference the above-stated General Objections as if fully  
7 set forth herein.

8 Subject to and without waiving the foregoing objections, RCRV states that it  
9 lacks knowledge or information sufficient to enable it to admit or deny this Request  
10 for Admission, and, therefore, denies it.

11 **REQUEST FOR ADMISSION NO. 23**

12 Admit that PHOENIX FIBERS has multiple customers that purchase  
13 non-shoddy fiber.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 23**

15 RCRV incorporates by reference the above-stated General Objections as if fully  
16 set forth herein. RCRV further objects to this Request for Admission on the basis that  
17 the phrase "non-shoddy fiber" is vague and ambiguous as used therein.

18 Subject to and without waiving the foregoing objections, RCRV states that it  
19 lacks knowledge or information sufficient to enable it to admit or deny this Request  
20 for Admission, and, therefore, denies it.

21 **REQUEST FOR ADMISSION NO. 24**

22 Admit that PHOENIX FIBERS has never reproduced, counterfeited, copied,  
23 or colorably imitated the ROCK REVIVAL trademark.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 24**

25 RCRV incorporates by reference the above-stated General Objections as if fully  
26 set forth herein. RCRV further objects to this Request for Admission on the basis that  
27 it calls or a legal conclusion.

28 Subject to and without waiving the foregoing objections, RCRV states that it

1 lacks knowledge or information sufficient to enable it to admit or deny this Request for  
2 Admission, and, therefore, denies it. RCRV further states that Phoenix Fibers engaged  
3 in the unauthorized resale of damaged, unfinished, returned, obsolete, or otherwise  
4 second-quality jeanswear and apparel products bearing the ROCK REVIVAL  
5 trademark, in direct violation of Phoenix Fibers' agreement to destroy such products  
6 and recycle them into shoddy fiber, and, therefore, infringed RCRV's trademark rights.

7  
8 Dated: June 16, 2016

ARNOLD & PORTER LLP

10 By:   
11

Louis S. Ederer  
John C. Ulin  
Matthew T. Salzmann  
Eric D. Mason

14  
15 *Attorneys for Plaintiffs*

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing  
**OBJECTIONS AND RESPONSES TO DEFENDANT PHOENIX FIBERS  
INC.'S FIRST SET OF REQUESTS FOR ADMISSION TO PLAINTIFF  
RCRV, INC. D/B/A ROCK REVIVAL** was served upon the following attorneys of  
record for Defendant Phoenix Fibers, Inc. by email (by agreement), this 16th day of  
June 2016:

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# EXHIBIT JJ

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10 *Attorneys for Plaintiffs*

11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**  
13 **WESTERN DIVISION**

14 SWEET PEOPLE APPAREL, INC.  
15 d/b/a MISS ME, a California  
corporation, and RCRV, INC. d/b/a  
16 ROCK REVIVAL, a California  
corporation,

17 Plaintiffs,

18 v.  
19 PHOENIX FIBERS, INC.. an Arizona  
20 corporation, U.S. GENERAL EXPORT,  
INC.. a California corporation, SAC  
21 INTERNATIONAL TRADERS, INC.,  
a California corporation, SHAUKAT  
22 ALI CHOCHAN, an individual, COMAK  
TRADING, INC., a California  
23 corporation, LYDIA EVILSA  
TERRAZAS CHO, an individual,  
24 MYUNG KWON CHO, an individual,  
TIFFANY ALANA WOLFF, an  
25 individual d/b/a MISS V LANE, XYZ  
COMPANIES 1-10, and JOHN AND  
26 JANE DOES 1-10,

27 Defendants.

28 } Case No.: 2:16-cv-00940

}{ Hon. Terry J. Hatter, Jr.

**OBJECTIONS AND RESPONSES TO  
DEFENDANT PHOENIX FIBERS,  
INC.'S FIRST SET OF REQUESTS  
FOR ADMISSION TO PLAINTIFF  
SWEET PEOPLE APPAREL, INC.  
D/B/A MISS ME**

1 Plaintiff Sweet People Apparel, Inc. d/b/a Miss Me (“Sweet People”) responds  
2 to Defendant Phoenix Fibers, Inc.’s (“Phoenix Fibers”) First Set of Requests For  
3 Admission to Sweet People (the “Requests for Admission”) as follows:

4 **GENERAL OBJECTIONS**

5 Sweet People makes the following General Objections to Phoenix Fibers’  
6 Requests for Admission, which apply to each Request for Admission regardless of  
7 whether the General Objections are expressly incorporated into the specific  
8 objections below.

9 1. Sweet People objects to the Requests for Admission to the extent that  
10 they call for the provision of information outside the custody, possession, or control,  
11 or knowledge of Sweet People, or otherwise seek to impose obligations beyond, or  
12 different from, those imposed by the Federal Rules of Civil Procedure or the Local  
13 Civil Rules of this Court.

14 2. Sweet People objects to the Requests for Admission to the extent they  
15 are duplicative, overbroad, unduly burdensome and vexatious, or calls for  
16 information that is not relevant to any party’s claim or defense and proportional to the  
17 needs of the case, considering the importance of the issues at stake in the action, the  
18 amount in controversy, the parties’ relative access to relevant information, the  
19 parties’ resources, the importance of the discovery in resolving the issues, and  
20 whether the burden or expense of the proposed discovery outweighs its likely benefit.

21 3. Sweet People objects to the Requests for Admission to the extent they  
22 seek discovery of information subject to the attorney-client privilege, the attorney  
23 work-product doctrine, the accountant-client privilege, the common interest privilege,  
24 the joint defense privilege, the self-evaluative privilege or any other lawfully  
25 recognized privilege.

26 4. Sweet People objects to the Requests for Admission as premature  
27 because discovery, including fact discovery and expert discovery, is incomplete.

28 5. Sweet People’s responses set forth herein are made without waiving, in

1 any way: (a) its rights to object to the Requests for Admission, the responses, or the  
2 subject matter thereof, as to the competency, relevancy, materiality, privilege, and  
3 admissibility as evidence for any purpose, in any proceeding in, or at the trial of, this  
4 or any other action; the responses are, similarly, not to be deemed an admission as to  
5 their competency, relevancy, materiality, privilege, or admissibility as evidence for  
6 any purpose in this or any other action; (b) its right to object on any ground to the use  
7 of these responses, or the subject matter thereof, in any proceeding in, or at the trial  
8 of, this or any other action; or (c) its right to object on any ground at any time to  
9 requests to admit, interrogatories, or other discovery procedures involving or relating  
10 to the subject matter of the Requests for Admission. In providing a response to a  
11 Request for Admission, Sweet People does not waive any objection to the  
12 admissibility of the response, including any document cited therein, on grounds of  
13 relevancy, foundation, hearsay or other grounds.

14 6. Insofar as any of Phoenix Fibers' Requests for Admission seek  
15 information to which the foregoing objections apply, specification of or failure to  
16 note general objections is not a waiver of those or other general objections with  
17 respect to any request. Sweet People also reserves the right to assert additional  
18 general or specific objections arising from matters discovered during the course of  
19 this litigation.

20 7. Sweet People's investigation is on-going and so it reserves the right to  
21 supplement or amend its responses as reasonably necessary at any time before the  
22 Final Pre-Trial Conference.

23 **OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION**  
24 **REQUEST FOR ADMISSION NO. 1**

25 Admit that before October 27, 2015, MISS ME believed that a DONATED  
26 PRODUCT would be "destroyed" if it was "recycled."

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 1**

28 Sweet People incorporates the above stated General Objections as if fully set

1 forth herein.

2 Subject to and without waiving the foregoing objections, Sweet People admits  
3 that both before and after October 27, 2015 it believed that all damaged, unfinished,  
4 returned, obsolete, or otherwise second-quality MISS ME apparel and accessory  
5 products that it shipped to Phoenix Fibers for recycling into shoddy fiber would be  
6 destroyed in the recycling process (*i.e.*, the donated MISS ME apparel and accessory  
7 products would not merely be resold). Under no circumstances would Sweet People  
8 have gone to the effort and expense of delivering damaged, unfinished, returned,  
9 obsolete, or otherwise second-quality MISS ME apparel and accessory products to  
10 Phoenix Fibers' Arizona-based facility, only to have such products, which were to be  
11 destroyed and recycled into shoddy fiber, sold back into the stream of commerce.

12 **REQUEST FOR ADMISSION NO. 2**

13 Admit that MISS ME shipped products to PHOENIX FIBERS that could not  
14 be turned into shoddy fiber.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 2**

16 Sweet People incorporates the above stated General Objections as if fully set  
17 forth herein.

18 Subject to and without waiving the foregoing objections, Sweet People states  
19 that it lacks knowledge or information sufficient to enable it to admit or deny this  
20 Request for Admission, and, therefore, denies it. Sweet People further states that at  
21 no time did Phoenix Fibers ever advise Sweet People that it was unable to destroy  
22 and recycle any of the damaged, unfinished, returned, obsolete, or otherwise second-  
23 quality MISS ME apparel and accessory products that Sweet People delivered to  
24 Phoenix Fibers into shoddy fiber.

25 **REQUEST FOR ADMISSION NO. 3**

26 Admit that, prior to October 27, 2015, MISS ME never sought confirmation  
27 from PHOENIX FIBERS that the DONATED PRODUCTS had been destroyed.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 3**

2 Sweet People incorporates the above stated General Objections as if fully set  
3 forth herein. Sweet People further objects to this Request for Admission on the  
4 ground that the phrase "never sought confirmation" is vague and ambiguous as used  
5 herein, and further incorrectly implies that Sweet People had an obligation to confirm  
6 Phoenix Fibers' compliance with its agreement to convert donated damaged,  
7 unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and  
8 accessory products into shoddy fiber.

9 Subject to and without waiving the foregoing objections, Sweet People admits  
10 that prior to October 27, 2015, Sweet People was not aware of Phoenix Fibers' breach  
11 of its agreement to convert donated damaged, unfinished, returned, obsolete, or  
12 otherwise second-quality MISS ME apparel and accessory products into shoddy  
13 fiber, and, therefore, never sought Phoenix Fibers' confirmation that it was  
14 complying with its agreement to destroy the damaged, unfinished, returned, obsolete,  
15 or otherwise second-quality MISS ME apparel and accessory products that Sweet  
16 People donated to Phoenix Fibers.

17 **REQUEST FOR ADMISSION NO. 4**

18 Admit that, prior to October 27, 2015, MISS ME never verbally or  
19 electronically told PHOENIX FIBERS that reselling the DONATED PRODUCTS  
20 was prohibited.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 4**

22 Sweet People incorporates the above stated General Objections as if fully set  
23 forth herein. Sweet People further objects to this Request for Admission on the  
24 ground that the phrase "never verbally or electronically told" is vague and ambiguous  
25 as used herein, and further incorrectly implies that Sweet People had an obligation to  
26 confirm Phoenix Fibers' compliance with its agreement to convert donated damaged,  
27 unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and  
28 accessory products into shoddy fiber, and not to merely resell such products in the

1 same condition as they were received, which would be counter to the very reason  
2 why Sweet People had gone to the effort and expense of delivering such products to  
3 Phoenix Fibers.

4 Subject to and without waiving the foregoing objections, Sweet People admits  
5 that prior to October 27, 2015, Sweet People was not aware of Phoenix Fibers' resale  
6 of donated damaged, unfinished, returned, obsolete, or otherwise second-quality  
7 MISS ME apparel and accessory products in breach of its agreement to convert such  
8 products into shoddy fiber, and, therefore, "never verbally or electronically told"  
9 Phoenix Fibers that reselling such products was prohibited, since that was the  
10 antithesis of why Sweet People agreed to donate such products to Phoenix Fibers, at  
11 significant cost, for destruction and recycling into shoddy fiber.

12 **REQUEST FOR ADMISSION NO. 5**

13 Admit that PHOENIX FIBERS never used the MISS ME trademark to sell  
14 any of the DONATED PRODUCTS.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 5**

16 Sweet People incorporates by reference the above-stated General Objections as  
17 if fully set forth herein. Sweet People further objects to this Request for Admission on  
18 the basis that the phrase "used the MISS ME trademark to sell" is vague and  
19 ambiguous as used therein, especially since the MISS ME trademark appears on all of  
20 Sweet People's MISS ME apparel and accessory products, including those products  
21 which Phoenix Fibers now admits that it sold to Kamel Mroueh and his companies  
22 Mroueh Trading and U.S. General Export, and others.

23 Subject to and without waiving the foregoing objections, Sweet People states  
24 that it lacks knowledge or information sufficient to enable it to admit or deny this  
25 Request for Admission, and, therefore, denies it.

26 **REQUEST FOR ADMISSION NO. 6**

27 Admit that PHOENIX FIBERS never used the MISS ME trademark in  
28 connection with the sale of any of the DONATED PRODUCTS.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 6**

2 Sweet People incorporates by reference the above-stated General Objections as  
3 if fully set forth herein. Sweet People further objects to this Request for Admission on  
4 the basis that the phrase "used the MISS ME trademark in connection with the sale" is  
5 vague and ambiguous as used therein, especially since the MISS ME trademark  
6 appears on all of Sweet People's MISS ME apparel and accessory products, including  
7 those products which Phoenix Fibers now admits that it sold to Kamel Mroueh and his  
8 companies Mroueh Trading and U.S. General Export, and others.

9 Subject to and without waiving the foregoing objections, Sweet People states  
10 that it lacks knowledge or information sufficient to enable it to admit or deny this  
11 Request for Admission, and, therefore, denies it.

12 **REQUEST FOR ADMISSION NO. 7**

13 Admit that MISS ME employees reviewed the PHOENIX FIBERS website  
14 before MISS ME shipped the DONATED PRODUCTS.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 7**

16 Sweet People incorporates by reference the above-stated General Objections as  
17 if fully set forth herein. Sweet People further objects to this Request for Admission on  
18 the basis that the term "reviewed" is vague and ambiguous as used therein. Sweet  
19 People further objects to this Request for Admission to the extent that it is intended to  
20 imply that this statement permits Phoenix Fibers to sell products that have been  
21 donated to it for destruction and recycling back into the stream of commerce.

22 Subject to and without waiving the foregoing objections, Sweet People admits  
23 that one or more Sweet People and/or RCRV, Inc. employee visited the Phoenix Fibers  
24 website before Sweet People agreed to donate damaged, unfinished, returned, obsolete,  
25 or otherwise second-quality MISS ME apparel and accessory products, at significant  
cost, to Phoenix Fibers for destruction and recycling into shoddy fiber.

27 **REQUEST FOR ADMISSION NO. 8**

28 Admit that MISS ME employees never visited the PHOENIX FIBERS facility

1 to inquire about the PHOENIX FIBERS destruction capabilities.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 8**

3 Sweet People incorporates by reference the above-stated General Objections as  
4 if fully set forth herein. Sweet People further objects to this Request for Admission on  
5 the basis that it improperly implies that a Sweet People employee was required to  
6 physically visit Phoenix Fibers' facility to "inquire" about Phoenix Fibers' "destruction  
7 capabilities", which Phoenix Fibers openly touts on its own website and those of its  
8 affiliates.

9 Subject to and without waiving the foregoing objections, Sweet People admits  
10 that prior to learning of Phoenix Fibers' improper resale of donated damaged,  
11 unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and  
12 accessory products, Sweet People had reasonably relied on Phoenix Fibers'  
13 representations as to its capability and agreement to convert donated damaged,  
14 unfinished, returned, obsolete, or otherwise second-quality MISS ME brand apparel  
15 and accessory products into shoddy fiber, and that no Sweet People employee had  
16 visited Phoenix Fibers' facility to "inquire" about or verify Phoenix Fibers'  
17 representations as to its "destruction capabilities".

18 **REQUEST FOR ADMISSION NO. 9**

19 Admit that MISS ME employees never visited the PHOENIX FIBERS facility  
20 to inquire about the PHOENIX FIBERS recycling capabilities.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 9**

22 Sweet People incorporates by reference the above-stated General Objections as  
23 if fully set forth herein. Sweet People further objects to this Request for Admission on  
24 the basis that it improperly implies that a Sweet People employee was required to  
25 physically visit Phoenix Fibers' facility to "inquire" about Phoenix Fibers' "recycling  
26 capabilities", which Phoenix Fibers openly touts on its own website and those of its  
27 affiliates.

28 Subject to and without waiving the foregoing objections, Sweet People admits

1 that prior to learning of Phoenix Fibers' improper resale of donated damaged,  
2 unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and  
3 accessory products, Sweet People had reasonably relied on Phoenix Fibers'  
4 representations as to its capability and agreement to convert donated damaged,  
5 unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and  
6 accessory products into shoddy fiber, and that no Sweet People employee had visited  
7 Phoenix Fibers' facility to "inquire" about or verify Phoenix Fibers' representations as  
8 to its "recycling capabilities".

9 **REQUEST FOR ADMISSION NO. 10**

10 Admit that MISS ME employees never specifically inquired with PHOENIX  
11 FIBERS what type of materials could be accepted by PHOENIX FIBERS for  
12 recycling.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 10**

14 Sweet People incorporates by reference the above-stated General Objections as  
15 if fully set forth herein. Sweet People further objects to this Request for Admission on  
16 the basis that at no time did Phoenix Fibers reject any damaged, unfinished, returned,  
17 obsolete, or otherwise second-quality MISS ME apparel and accessory products that  
18 Sweet People delivered to Phoenix Fibers for destruction and recycling into shoddy  
19 fiber.

20 Subject to and without waiving the foregoing objections, Sweet People denies  
21 this Request for Admission.

22 **REQUEST FOR ADMISSION NO. 11**

23 Admit that MISS ME employees never specifically inquired with PHOENIX  
24 FIBERS what type of materials could be accepted by PHOENIX FIBERS for  
25 destruction.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 11**

27 Sweet People incorporates by reference the above-stated General Objections as  
28 if fully set forth herein. Sweet People further objects to this Request for Admission on

1 the basis that at no time did Phoenix Fibers reject any damaged, unfinished, returned,  
2 obsolete, or otherwise second-quality MISS ME apparel and accessory products that  
3 Sweet People delivered to Phoenix Fibers for destruction and recycling into shoddy  
4 fiber.

5 Subject to and without waiving the foregoing objections, Sweet People denies  
6 this Request for Admission.

7 **REQUEST FOR ADMISSION NO. 12**

8 Admit that between January 1, 2011 to the present, the PHOENIX FIBERS  
9 website home page has always included the phrase: “The items we do not use in our  
10 shredding process are resold to other recycling companies.”

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 12**

12 Sweet People incorporates by reference the above-stated General Objections as  
13 if fully set forth herein. Sweet People further objects to this Request for Admission to  
14 the extent that it is intended to imply that this “phrase” somehow permitted Phoenix  
15 Fibers to sell products that have been donated to it for destruction and recycling back  
16 into the stream of commerce.

17 Subject to and without waiving the foregoing objections, Sweet People states  
18 that it lacks knowledge or information sufficient to enable it to admit or deny this  
19 Request for Admission, and, therefore, denies it.

20 **REQUEST FOR ADMISSION NO. 13**

21 Admit that U.S. General Export, Inc. is a recycling company.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 13**

23 Sweet People incorporates by reference the above-stated General Objections as  
24 if fully set forth herein.

25 Subject to and without waiving the foregoing objections, Sweet People states  
26 that it lacks knowledge or information sufficient to enable it to admit or deny this  
27 Request for Admission, and, therefore, denies it. Sweet People further states that the  
28 corporate name of U.S. General Export, Inc. implies that this entity is an export

1 company.

2 **REQUEST FOR ADMISSION NO. 14**

3 Admit that MISS ME never purposefully destroyed any of the DONATED  
4 PRODUCTS to ensure that the DONATED PRODUCTS could not be resold.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 14**

6 Sweet People incorporates by reference the above-stated General Objections as  
7 if fully set forth herein. Sweet People further objects to this Request for Admission on  
8 the basis that the term "destroyed" is vague and ambiguous as used therein. Sweet  
9 People further objects to this Request for Admission on the grounds that it is  
10 nonsensical in that Sweet People purposefully donated damaged, unfinished, returned,  
11 obsolete, or otherwise second-quality MISS ME apparel and accessory products to  
12 Phoenix Fibers so that they would be destroyed and recycled, and forever removed  
13 from the stream of commerce.

14 Subject to and without waiving the foregoing objections, Sweet People denies  
15 this Request for Admission.

16 **REQUEST FOR ADMISSION NO. 15**

17 Admit that Lilly Kim directed PHOENIX FIBERS to "recycle" the  
18 DONATED PRODUCTS.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 15**

20 Sweet People incorporates by reference the above-stated General Objections as  
21 if fully set forth herein. Sweet People further objects to this Request for Admission on  
22 the basis that it improperly implies that the process of recycling apparel and accessory  
23 products into shoddy fiber does not necessarily involve the destruction of such  
24 products.

25 Subject to and without waiving the foregoing objections, Sweet People denies  
26 that Lilly Kim personally "directed" Phoenix Fibers to recycle the donated damaged,  
27 unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and  
28 accessory products into shoddy fiber, but admits that employees acting under Ms.

1 Kim's instruction and direction "directed" Phoenix Fibers to recycle the donated  
2 damaged, unfinished, returned, obsolete, or otherwise second-quality MISS ME  
3 apparel and accessory products into shoddy fiber.

4 **REQUEST FOR ADMISSION NO. 16**

5 Admit that MISS ME sent non-apparel and non-textile materials in boxes that  
6 MISS ME shipped to PHOENIX FIBERS.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 16**

8 Sweet People incorporates by reference the above-stated General Objections as  
9 if fully set forth herein. Sweet People further objects to this Request for Admission on  
10 the basis that the terms "non-apparel" and "non-textile" are vague and ambiguous as  
11 used herein.

12 Subject to and without waiving the foregoing objections, Sweet People admits  
13 that, pursuant to the parties' understanding and agreement, Sweet People shipped  
14 damaged, unfinished, returned, obsolete, or otherwise second-quality MISS ME  
15 apparel and accessory products to Phoenix Fibers for destruction and recycling, and  
16 that Phoenix Fibers accepted all such products without objection.

17 **REQUEST FOR ADMISSION NO. 17**

18 Admit that MISS ME sent hangers in boxes that MISS ME shipped to  
19 PHOENIX FIBERS.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 17**

21 Sweet People incorporates by reference the above-stated General Objections as  
22 if fully set forth herein.

23 Subject to and without waiving the foregoing objections, Sweet People admits  
24 that on occasion the damaged, unfinished, returned, obsolete, or otherwise second-  
25 quality MISS ME apparel and accessory products that it shipped to Phoenix Fibers for  
26 destruction and recycling were on hangers, and further states that at no time did  
27 Phoenix Fibers reject any such products that Sweet People delivered to Phoenix Fibers  
28 for destruction and recycling, or advise that donated products must not be on hangers.

1 **REQUEST FOR ADMISSION NO. 18**

2 Admit that MISS ME sent trash in boxes that MISS ME shipped to PHOENIX  
3 FIBERS.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 18**

5 Sweet People incorporates by reference the above-stated General Objections as  
6 if fully set forth herein. Sweet People further objects to this Request for Admission on  
7 the basis that the term "trash" is vague and ambiguous as used therein.

8 Subject to and without waiving the foregoing objections, Sweet People denies  
9 this Request for Admission.

10 **REQUEST FOR ADMISSION NO. 19**

11 Admit that PHOENIX FIBERS never made a statement to any purchaser of  
12 DONATED PRODUCTS about the affiliation, connection, or association of  
13 PHOENIX FIBERS and MISS ME.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 19**

15 Sweet People incorporates by reference the above-stated General Objections as  
16 if fully set forth herein.

17 Subject to and without waiving the foregoing objections, Sweet People states  
18 that it lacks knowledge or information sufficient to enable it to admit or deny this  
19 Request for Admission, and, therefore, denies it.

20 **REQUEST FOR ADMISSION NO. 20**

21 Admit that PHOENIX FIBERS sold DONATED PRODUCTS based solely on  
22 the weight of such products.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 20**

24 Sweet People incorporates by reference the above-stated General Objections as  
25 if fully set forth herein.

26 Subject to and without waiving the foregoing objections, Sweet People states  
27 that it lacks knowledge or information sufficient to enable it to admit or deny this  
28 Request for Admission, and, therefore, denies it.

1 **REQUEST FOR ADMISSION NO. 21**

2 Admit that PHOENIX FIBERS sold DONATED PRODUCTS based solely on  
3 the weight of such products without regard for the trademark of such product.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 21**

5 Sweet People incorporates by reference the above-stated General Objections as  
6 if fully set forth herein. Sweet People further objects to this Request for Admission on  
7 the basis that it is duplicative of Request for Admission 20.

8 Subject to and without waiving the foregoing objections, Sweet People states  
9 that it lacks knowledge or information sufficient to enable it to admit or deny this  
10 Request for Admission, and, therefore, denies it.

11 **REQUEST FOR ADMISSION NO. 22**

12 Admit that PHOENIX FIBERS has multiple customers that purchase shoddy  
13 fiber.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 22**

15 Sweet People incorporates by reference the above-stated General Objections as  
16 if fully set forth herein.

17 Subject to and without waiving the foregoing objections, Sweet People states  
18 that it lacks knowledge or information sufficient to enable it to admit or deny this  
19 Request for Admission, and, therefore, denies it.

20 **REQUEST FOR ADMISSION NO. 23**

21 Admit that PHOENIX FIBERS has multiple customers that purchase  
22 non-shoddy fiber.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 23**

24 Sweet People incorporates by reference the above-stated General Objections as  
25 if fully set forth herein. Sweet People further objects to this Request for Admission on  
26 the basis that the phrase "non-shoddy fiber" is vague and ambiguous as used therein.

27 Subject to and without waiving the foregoing objections, Sweet People states  
28 that it lacks knowledge or information sufficient to enable it to admit or deny this

1 Request for Admission, and, therefore, denies it.

2 **REQUEST FOR ADMISSION NO. 24**

3 Admit that PHOENIX FIBERS has never reproduced, counterfeited, copied,  
4 or colorably imitated the MISS ME trademark.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 24**

6 Sweet People incorporates by reference the above-stated General Objections as  
7 if fully set forth herein. Sweet People further objects to this Request for Admission on  
8 the basis that it calls for a legal conclusion.

9 Subject to and without waiving the foregoing objections, Sweet People states  
10 that it lacks knowledge or information sufficient to enable it to admit or deny this  
11 Request for Admission, and, therefore, denies it. Sweet People further states that  
12 Phoenix Fibers engaged in the unauthorized resale of damaged, unfinished, returned,  
13 obsolete, or otherwise second-quality jeanswear and apparel products bearing the  
14 MISS ME trademark, in direct violation of Phoenix Fibers' agreement to destroy such  
15 products and recycle them into shoddy fiber, and, therefore, infringed Sweet People's  
16 trademark rights.

17

18 Dated: June 16, 2016

ARNOLD & PORTER LLP

19

20

By:



21 Louis S. Ederer

22 John C. Ulin

23 Matthew T. Salzmann

24 Eric D. Mason

25 *Attorneys for Plaintiffs*

26

27

28

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing  
**OBJECTIONS AND RESPONSES TO DEFENDANT PHOENIX FIBERS  
INC.'S FIRST SET OF REQUESTS FOR ADMISSION TO PLAINTIFF  
SWEET PEOPLE APPAREL, INC. D/B/A MISS ME** was served upon the  
following attorneys of record for Defendant Phoenix Fibers, Inc. by email (by  
agreement), this 16th day of June, 2016:

William C. O'Neill  
Ross Wersching & Wolcott, LLP  
3151 Airway Ave., Building S  
Costa Mesa, CA 92626  
Tel: (714) 444-3900  
Email: [wco@rossllp.com](mailto:wco@rossllp.com)



Matthew T. Salzmann

# EXHIBIT KK

1 WILLIAM C. O'NEILL / SBN 251071  
2 ROSS WERSCHING & WOLCOTT LLP  
3 Attorneys at Law  
4 3151 Airway Avenue, Building S-1  
5 Costa Mesa, California 92626  
6 Telephone: (714) 444-3900  
7 Facsimile: (714) 444-3901  
8 WCO@RossLLP.com

9 Attorneys for Defendant  
10 PHOENIX FIBERS, INC.

11 UNITED STATES DISTRICT COURT

12 CENTRAL DISTRICT OF CALIFORNIA

13 SWEET PEOPLE APPAREL, INC.  
14 D/B/A MISS ME, a California  
15 corporation, and RCRV, INC. D/B/A  
16 ROCK REVIVAL, a California  
17 corporation,

18 Plaintiffs,

19 vs.

20 PHOENIX FIBERS, INC., an Arizona  
21 corporation, SAC INTERNATIONAL  
22 TRADERS, INC., a California  
23 corporation, SHAUKAT ALI CHOCHAN,  
24 an individual, COMAK TRADING, INC.,  
25 a California corporation, LYDIA  
EVILSA TERRAZAS CHO, an  
individual, MYUNG KWON CHO, an  
individual, XYZ COMPANIES 1-10, and  
JOHN AND JANE DOES 1-10,

Defendants.

Case No.: 2:16-cv-00940-TJH-JC

Assigned for All Purposes to:  
Hon. Terry J. Hatter Jr.

**DEFENDANT PHOENIX FIBERS,  
INC.'S RESPONSES TO FIRST SET  
OF INTERROGATORIES FROM  
PLAINTIFF SWEET PEOPLE  
APPAREL, INC.**

[FRCP RULE 33]

EXHIBIT 8  
WIT: Johnson  
DATE: 9/12/16  
Charlotte Lacey, RPR 50859

First Set of Interrogatories

1           Defendant Phoenix Fibers, Inc. responds to the First Set of Interrogatories  
2 propounded by Plaintiff Sweet People Apparel, Inc. as follows:

3           **GENERAL OBJECTIONS AND QUALIFICATIONS**

4           Responding Party has not fully completed its investigation of the facts relating  
5 to this action, has not fully completed discovery in this action, and has not completed  
6 its preparation for trial.

7           It is anticipated that further discovery, independent investigation, legal  
8 research and analysis will supply additional facts, add meaning to the known facts, as  
9 well as establish entirely new factual conclusions and legal contentions, all of which  
10 may lead to substantial additions to, changes in and variations from the contentions  
11 herein set forth.

12           The following responses are given without prejudice to Responding Party's  
13 right to produce evidence of any subsequently discovered facts which Responding  
14 Party may later recall. Responding Party accordingly reserves the right to change  
15 any and all responses herein as additional facts are ascertained, analyses are made,  
16 legal research is completed and contentions are made.

17           Nothing in these responses is intended to be or should be construed as a  
18 waiver of any attorney-client privilege or waiver of the attorney work-product  
19 doctrine. To the extent that any of the interrogatories may be construed as calling for  
20 disclosure of documents and/or information protected by such privileges, a  
21 continuing objection is hereby imposed. This includes joint defense agreements.

22           Responding Party has made a diligent search and reasonable inquiry in an  
23 effort to respond to each of the interrogatories as Responding Party understands and  
24 interprets each interrogatory. If Propounding Party subsequently asserts an  
25 interpretation of the interrogatories which differs from that of Responding Party,  
26 Responding Party reserves the right to supplement its objections or responses, or  
27 both.

## RESPONSES TO INTERROGATORIES

**INTERROGATORY NO. 1**

State all facts and circumstances Concerning Your acquisition of jeanswear and/or other apparel products from Sweet People.

**RESPONSE TO INTERROGATORY NO. 1**

Responding Party objects to this interrogatory on the ground that it is so vague and ambiguous as to require Responding Party to speculate as to its meaning and scope. Notwithstanding these objections, and the aforementioned General Objections and Qualifications which are incorporated herein, and without waiving the same, Responding Party responds as follows:

Responding Party received more than just jeanswear and apparel products from RCRV. RCRV, in fact, regularly included hangers, tape, cutting pattern materials, plastic, and trash in the boxes that RCRV would send to Responding Party. Typically, RCRV would send its Donated Product to Responding Party with a bill of lading, but without any quantity of specific product. Occasionally, trucks hired by RCRV (or Miss Me) would show up unannounced at Responding Party's warehouse. Pallets of boxes would then be unloaded onto an exterior loading dock until space was available inside the warehouse. The boxes were sometimes taped for reinforcement (assumed by Plaintiffs), but sometimes were not and the boxes would break or rupture and the contents spilled out. Responding Party was unaware of any restrictions placed on receipt of such donated products.

## INTERROGATORY NO. 2

Identify all Persons who have personal knowledge Concerning any or all of the facts and circumstances set forth in Your response to Interrogatory No. 1.

## **RESPONSE TO INTERROGATORY NO. 2**

Responding Party objects to this interrogatory on the ground that it is so vague and ambiguous as to require Responding Party to speculate as to its meaning and

1 scope. Notwithstanding these objections, and the aforementioned General Objections  
2 and Qualifications which are incorporated herein, and without waiving the same,  
3 Responding Party responds as follows:

4 Tod Kean, who can be contacted through counsel.

5 Steve Johnson, who can be contacted through counsel.

6 Kelly Quinn, who can be contacted through counsel.

7 **INTERROGATORY NO. 3**

8 Identify all Persons to whom You have sold, distributed, supplied or otherwise  
9 conveyed Donated Products, and, to the extent any such Persons are entities (rather  
10 than individuals), Identify the individuals with whom You dealt?

11 **RESPONSE TO INTERROGATORY NO. 3**

12 Responding Party objects to this interrogatory on the ground that it is so vague  
13 and ambiguous as to require Responding Party to speculate as to its meaning and  
14 scope. Notwithstanding these objections, and the aforementioned General Objections  
15 and Qualifications which are incorporated herein, and without waiving the same,  
16 Responding Party responds as follows:

17 The only Person to whom Responding Party is aware of selling some Donated  
18 Products (based solely on weight) is Kamel Mroueh.

19 **INTERROGATORY NO. 4**

20 State the dates on which You first and last sold, distributed, supplied or  
21 otherwise conveyed Donated Products to any Person (other than Plaintiffs).

22 **RESPONSE TO INTERROGATORY NO. 4**

23 Responding Party objects to this interrogatory on the ground that it is so vague  
24 and ambiguous as to require Responding Party to speculate as to its meaning and  
25 scope. Notwithstanding these objections, and the aforementioned General Objections  
26 and Qualifications which are incorporated herein, and without waiving the same,  
27 Responding Party responds as follows:

1            Responding Party is unaware of the precise date of sale of some Donated  
2 Products to Kamel Mroueh, but believes it was sometime between early Spring 2015  
3 – early Fall 2015.

4 **INTERROGATORY NO. 5**

5            Describe Your business relationship with each Person identified in Your  
6 response to Interrogatory No. 3.

7 **RESPONSE TO INTERROGATORY NO. 5**

8            Responding Party objects to this interrogatory on the ground that it is so vague  
9 and ambiguous as to require Responding Party to speculate as to its meaning and  
10 scope. Notwithstanding these objections, and the aforementioned General Objections  
11 and Qualifications which are incorporated herein, and without waiving the same,  
12 Responding Party responds as follows:

13            Kamel Mroueh runs another recycling company that purchased credential and  
14 other baled or loose clothing and shoes from Responding Party based on the weight  
15 of such materials.

16 **INTERROGATORY NO. 6**

17            For each Person identified in Your response to Interrogatory No. 3, state the  
18 volume (units, boxes and pallets) of Donated Products sold, distributed, supplied or  
19 otherwise conveyed to such Person, and the total consideration You received from  
20 such Person in exchange for Donated Products.

21 **RESPONSE TO INTERROGATORY NO. 6**

22            Responding Party objects to this interrogatory on the ground that it is so vague  
23 and ambiguous as to require Responding Party to speculate as to its meaning and  
24 scope. Notwithstanding these objections, and the aforementioned General Objections  
25 and Qualifications which are incorporated herein, and without waiving the same,  
26 Responding Party responds as follows:

27            Responding Party does not recall the precise amount of consideration received,

1 but believes that the price agreed was approximately the same as the existing market  
 2 conditions for loose or baled credential material and shoes, which was approximately  
 3 \$0.50/pound at the time. Responding Party believes that Kamel Mroueh purchased  
 4 approximately three trucks of credential and other baled or loose clothing and shoes  
 5 that included (among other things) some Donated Product.

6 **INTERROGATORY NO. 7**

7 Identify all Persons who have personal knowledge Concerning any or all of  
 8 the facts set forth in Your response to Interrogatory No. 6.

9 **RESPONSE TO INTERROGATORY NO. 7**

10 Responding Party objects to this interrogatory on the ground that it is so vague  
 11 and ambiguous as to require Responding Party to speculate as to its meaning and  
 12 scope. Notwithstanding these objections, and the aforementioned General Objections  
 13 and Qualifications which are incorporated herein, and without waiving the same,  
 14 Responding Party responds as follows:

15 Tod Kean, who can be contacted through counsel.

16 Steve Johnson, who can be contacted through counsel.

17 Kamel Mroueh, U.S. General Export, 1423 E. 58th Place, Los Angeles, CA  
 18 90001.

19 **INTERROGATORY NO. 8**

20 State the total volume of Donated Products You received.

21 **RESPONSE TO INTERROGATORY NO. 8**

22 Responding Party objects to this interrogatory on the ground that it is so vague  
 23 and ambiguous as to require Responding Party to speculate as to its meaning and  
 24 scope. Notwithstanding these objections, and the aforementioned General Objections  
 25 and Qualifications which are incorporated herein, and without waiving the same,  
 26 Responding Party responds as follows:

27 Responding Party does not know the total volume of Donated Products

1 Responding Party received.

2 **INTERROGATORY NO. 9**

3 State the total volume of Donated Products You processed into shoddy fiber.

4 **RESPONSE TO INTERROGATORY NO. 9**

5 Responding Party objects to this interrogatory on the ground that it is so vague  
6 and ambiguous as to require Responding Party to speculate as to its meaning and  
7 scope. Notwithstanding these objections, and the aforementioned General Objections  
8 and Qualifications which are incorporated herein, and without waiving the same,  
9 Responding Party responds as follows:

10 Responding Party does not know the total volume of Donated Products it  
11 processed into shoddy fiber.

12 **INTERROGATORY NO. 10**

13 State the total volume of Donated Products You sold, distributed, supplied or  
14 otherwise conveyed to any Person.

15 **RESPONSE TO INTERROGATORY NO. 10**

16 Responding Party objects to this interrogatory on the ground that it is so vague  
17 and ambiguous as to require Responding Party to speculate as to its meaning and  
18 scope. Notwithstanding these objections, and the aforementioned General Objections  
19 and Qualifications which are incorporated herein, and without waiving the same,  
20 Responding Party responds as follows:

21 Responding Party does not know the total volume of Donated Products it sold,  
22 distributed, supplied or otherwise conveyed to any Person.

23 DATED: June 1, 2016

ROSS WERSCHING & WOLCOTT LLP

24  
25 By: /s/ William C. O'Neill  
26 WILLIAM C. O'NEILL  
27 Attorneys for Defendant  
28 PHOENIX FIBERS, INC.

## VERIFICATION

STATE OF CALIFORNIA )  
 )  
COUNTY OF ORANGE )

I have read the foregoing **DEFENDANT PHOENIX FIBERS, INC.'S RESPONSES TO FIRST SET OF INTERROGATORIES FROM PLAINTIFF SWEET PEOPLE APPAREL, INC.** and know its contents.

I am the President of Phoenix Fibers, Inc. I am authorized to make this Verification for and on its behalf, and I make this Verification for that reason. I am informed and believe, and on that ground allege, that the matters stated in the document described above are true.

Executed on June 1, 2016 at Chandler, Arizona.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Tod Kean  
Type or Print Name

Signature

1 WILLIAM C. O'NEILL / SBN 251071  
2 ROSS WERSCHING & WOLCOTT LLP  
3 Attorneys at Law  
4 3151 Airway Avenue, Building S-1  
5 Costa Mesa, California 92626  
6 Telephone: (714) 444-3900  
7 Facsimile: (714) 444-3901  
8 WCO@RossLLP.com  
9  
10 Attorneys for Defendant  
11 PHOENIX FIBERS, INC.

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10 UNITED STATES DISTRICT COURT  
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CENTRAL DISTRICT OF CALIFORNIA

10 SWEET PEOPLE APPAREL, INC.  
11 D/B/A MISS ME, a California  
12 corporation, and RCRV, INC. D/B/A  
13 ROCK REVIVAL, a California  
14 corporation,

15 Plaintiffs,  
16 vs.

17 PHOENIX FIBERS, INC., an Arizona  
18 corporation, SAC INTERNATIONAL  
19 TRADERS, INC., a California  
20 corporation, SHAUKAT ALI CHOHAN,  
21 an individual, COMAK TRADING, INC.,  
22 a California corporation, LYDIA  
EVILSA TERRAZAS CHO, an  
individual, MYUNG KWON CHO, an  
individual, XYZ COMPANIES 1-10, and  
JOHN AND JANE DOES 1-10,

Defendants.

Case No.: 2:16-cv-00940-TJH(JCx)

Hon. Terry J. Hatter Jr.

**CERTIFICATE OF SERVICE**

---

**CERTIFICATE OF SERVICE**

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing documents: (1) DEFENDANT PHOENIX FIBERS, INC.'S RESPONSES TO FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS FROM PLAINTIFFS; (2) DEFENDANT PHOENIX FIBERS, INC.'S RESPONSES TO FIRST SET OF INTERROGATORIES FROM PLAINTIFF SWEET PEOPLE APPAREL, INC.; (3) DEFENDANT PHOENIX FIBERS, INC.'S RESPONSES TO FIRST SET OF INTERROGATORIES FROM PLAINTIFF RCRV, INC. D/B/A ROCK REVIVAL was served upon the following attorneys of record for Plaintiffs by email (by agreement) this 2nd day of June, 2016:

John C. Ulin (john.ulin@aporter.com)

Eric D. Mason (eric.mason@aporter.com)

Louis S. Ederer (louis.ederer@aporter.com)

Matthew T. Salzmann (matthew.salzmann@aporter.com)

*Attorneys for Plaintiffs*

and by mail to the following attorneys:

Sagi Schwartzberg

Michael J. Luther

Schwartzberg / Luther, APC

8291 Utica Avenue, Suite 201

Rancho Cucamonga, CA 91730

Attorneys for Defendant Comak Trading, Inc.

1 DATED: June 2, 2016

ROSS WERSCHING & WOLCOTT LLP

2  
3  
4 By: /s/ William C. O'Neill  
5 WILLIAM C. O'NEILL  
6 Attorneys for Defendant  
7 PHOENIX FIBERS, INC.  
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ROSS WERSCHING & WOLCOTT LLP  
ATTORNEYS AT LAW  
3151 AIRWAY AVENUE, SUITE 1  
COSTA MESA, CA 92626  
(714) 444-3900

# EXHIBIT LL

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SMALLbiz

AZ Corp. Commission



03550945

AZ CORPORATION COMMISSION  
FILED

JUL 01 2011

FILE NO. 1691209-8ARTICLES OF INCORPORATION  
OF  
PHOENIX FIBERS INCAZ CORPORATION COMMISSION  
FILED

JUL 1 9 2011

FILE NO. 1691209-8

1. Name. The name of the Corporation is  
PHOENIX FIBERS INC
2. Initial Business. The Corporation initially intends to conduct the business of  
CLOTHING RECYCLER
3. Authorized Capital. The Corporation shall have authority to issue 1000  
shares of Common Stock.
4. Known Place of Business (in Arizona). The street address of the known place of  
business of the Corporation is:  
400 E RAY RD, CHANDLER, AZ 85225

5. Statutory Agent (in Arizona). The name and address of the statutory agent of the  
Corporation is: TRACY COBB CPA  
1553 W TODD DR, #206 TEMPE AZ 85283
6. Board of Directors. The initial board of directors shall consist of 3 director(s).  
The name(s) and address(es) of the person(s) who is(are) to serve as the director(s)  
until the first annual meeting of shareholders or until his/her(their) successor(s)  
is(are) elected and qualifies is(are):

TOD KEAN	400 E RAY RD, CHANDLER, AZ 85225
JIM KEAN	400 E RAY RD, CHANDLER, AZ 85225
MIKE KEAN	400 E RAY RD, CHANDLER, AZ 85225

The number of persons to serve on the board of directors thereafter shall be fixed  
by the Bylaws.

7. Incorporator. The name and address of the incorporator is:  
Karen Sena PO Box 13092 Tucson, AZ 85732

All powers, duties and responsibilities of the incorporator shall cease at the time of  
delivery of these Articles of Incorporation to the Arizona Corporation Commission.

AZ CORPORATION COMMISSION  
FILED

JUL 1 9 2011

FILE NO. 1691208-9

87/19/2011 11:26 7344686219

SHALEZ

PAGE 84/85

- B. Indemnification of Officers, Directors, Employees and Agents. The Corporation shall indemnify any person who incurs expenses or liabilities by reason of the fact he or she is or was an officer, director, employee or agent of the Corporation or is or was serving at the request of the Corporation as a director, officer, employee or agent of another Corporation, partnership, joint venture, trust or other enterprise. This indemnification shall be mandatory in all circumstances in which indemnification is permitted by law.
9. Limitation of Liability. To the fullest extent permitted by the Arizona Revised Statutes, as the same exists or may hereafter be amended, a director of the Corporation shall not be liable to the Corporation or its stockholders for monetary damages for any action taken or any failure to take any action as a director. No repeal, amendment or modification of this article, whether direct or indirect, shall eliminate or reduce its effect with respect to any act or omission of a director of the Corporation occurring prior to such repeal, amendment or modification.

EXECUTED this 29th day of June , 2011 by the incorporator,

Signed: Karen Sems Phone (320) 881-3989

Print Name: Karen Sems FAX (734) 463-6219

Acceptance of Appointment By Statutory Agent

The undersigned hereby acknowledges and accepts the appointment as statutory agent of the above-named corporation effective this 29th day of June , 2011 .

Signed: Tracy Cobb

Print Name: TRACY COBB CPA

(CP-004) Rev. 06/2010

87/19/2011 11:26 7344686293

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**PROBFT**  
**CERTIFICATE OF DISCLOSURE**  
 Pursuant to A.R.S. §10-202. (D).

PHOENIX FIBERS INC.

EXACT CORPORATE NAME

A. Has any person serving either by himself or appointment as officer, director, trustee, incorporator and persons controlling or holding over 10% of the issued and outstanding common shares or 10% of any other proprietary, beneficial or membership interest in the corporation:

1. Been convicted of a felony involving a violation in securities, consumer fraud or dishonest in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
2. Been convicted of a felony, the essential elements of which consisted of fraud, bribery, malfeasance, theft by false pretenses, or receipt of funds or property in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
3. Been or are subject to an injunction, judgment, decree or permanent order of any state or federal court entered within the seven-year period immediately preceding the execution of this Certificate wherein such injunction, judgment, decree or permanent order:
  - (a) imposed the violation of fraud or negligence provisions of the securities laws of that jurisdiction; or
  - (b) involved the violation of the consumer fraud laws of that jurisdiction; or
  - (c) involved the violation of the antitrust or racketeer laws of that jurisdiction?

Yes        No ✓

## B. IF YES, the following information MUST be attached:

1. Full name, prior name(s) and aliases, if used.	2. The nature and description of such conviction or judicial action, date and location, the court and public agency involved and the cause number of case.
2. Full birth dates.	
3. Present home address.	
4. Prior addresses for persons in preceding 7-year period.	
5. Date and location of birth.	

C. Has any person serving as an officer, director, trustee, incorporator or holder of over 10% of the issued and outstanding common shares or 10% of any other proprietary, beneficial or membership interest in the corporation served in any such capacity or held a 10% or greater interest, in any other corporation in any jurisdiction or the bankruptcy or receivership of the other corporation?

Yes        No ✓

IF YOUR ANSWER TO THE ABOVE QUESTION IS "YES", YOU MUST ATTACH THE FOLLOWING INFORMATION FOR EACH CORPORATION:

1. Name and address of the corporation.	4. Dates of corporate existence.
2. Full name (including aliases) and address of each person involved.	5. Date and cause number of bankruptcy or receivership.
3. State(s) in which the corporation: <ol style="list-style-type: none"> <li>(a) Was incorporated.</li> <li>(b) Has transacted business.</li> </ol>	

Under penalties of perjury, the undersigned incorporator(s)/officer(s) declare(s) that (s)he(s) have examined this Certificate, including any schedules, and to the best of my/our knowledge and belief it is true, correct and complete, and hereby declare as follows:

THE SIGNATURES MUST BE DATED WITHIN THIRTY (30) DAYS OF THE DELIVERY DATE.

By DeeDee Lera

BY \_\_\_\_\_

PRINT NAME Karen Sosa

PRINT NAME \_\_\_\_\_

TITLE Administrator DATE 04/29/2011 TITLE \_\_\_\_\_ DATE \_\_\_\_\_

**DOMESTIC CORPORATIONS:** ALL INCORPORATORS MUST SIGN THE INITIAL CERTIFICATE OF DISCLOSURE. If within sixty days, any person becomes an officer, director, trustee or person controlling or holding over 10% of the issued and outstanding shares or 10% of any other proprietary, beneficial or membership interest in the corporation and the person was not included in this disclosure, the corporation must file an AMENDED disclosure signed by at least one duly authorized officer of the corporation.

**FOREIGN CORPORATIONS:** MUST BE SIGNED BY AT LEAST ONE DULY AUTHORIZED OFFICER OF THE CORPORATION.

DP-0362 - Domestic Corporations

Rev. 4/2009

Arizona Corporation Commission  
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Corporation Name

PHOENIX FIBERS INC

Standing

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400 E RAY RD  
CHANDLER, AZ 85225

Agent Name: TOD KEAN

Agent Mailing/Physical Address:

400 E RAY RD  
CHANDLER, AZ 85225

Agent Status: APPOINTED 11/14/2012

Agent Last Updated: 11/26/2012

**Entity Type:** BUSINESS

**Incorporation Date:** 7/1/2011

**Domicile:** ARIZONA

**Approval Date:** 7/21/2011

**Business Type:** CLOTHING RECYCLER

**Corporation Life Period:** PERPETUAL

**County:** MARICOPA

**Original Publish Date:** 8/10/2011

**Name**

TOD KEAN

**Title**

PRESIDENT/CEO

**Address**

400 E RAY RD  
CHANDLER, AZ 85225

**Date of Taking Office**

01/01/2011

**Last Updated**

05/18/2016

**Name**

MIKE KEAN

**Title**

DIRECTOR

**Address**

400 E RAY RD  
CHANDLER, AZ 85225

**Date of Taking Office**

01/01/2011

**Last Updated**

05/18/2016

Name	JIM KEAN
Title	DIRECTOR
Address	400 E RAY RD CHANDLER, AZ 85225
Date of Taking Office	01/01/2011
Last Updated	05/18/2016
Name	TOD KEAN
Title	DIRECTOR
Address	400 E RAY RD CHANDLER, AZ 85225
Date of Taking Office	01/01/2011
Last Updated	05/18/2016

Next Annual Report Due: 7/1/2017

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File Month	7
Date Received	6/27/2014
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File Year	2013
File Month	7
Date Received	6/19/2013
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NEW ARRIVAL

**FLOWER PLAY CUFFED  
SKINNY JEANS**

\$109.50



NEW ARRIVAL

**DARKEST HOUR MID RISE  
SKINNY JEANS**

\$99.50



NEW ARRIVAL

**NEW FLAME MID RISE  
SKINNY JEANS**

\$99.50



NEW ARRIVAL

**FEVER STITCH SUPER  
SKINNY JEANS**

\$99.50



**NEW ARRIVAL**

**GREEN WITH ENVY MID  
RISE SKINNY JEANS**

**\$99.50**



**NEW ARRIVAL**

**FOXY FEATHER MID RISE  
BOOT CUT JEANS**

**\$99.50**



**NEW ARRIVAL**

**WINE NOT MID-RISE  
SKINNY JEANS**

**\$89.50**



**NEW ARRIVAL**

**IN THE MIX SKINNY JEANS**

**\$99.50**



**NEW ARRIVAL**

**DON'T CROSS ME MID-RISE  
SKINNY JEANS**

**\$99.50**



**NEW ARRIVAL**

**BLUE MOON MIDRISE  
SKINNY JEANS**

**\$99.50**



**NEW ARRIVAL**

**ANGEL CITY MID-RISE  
SKINNY JEANS**

**\$109.50**



**NEW ARRIVAL**

**RUNNING WILD MID-RISE  
SLIM BOOT CUT JEANS**

**\$99.50**



**NEW ARRIVAL**

**PATCH WORK MID-RISE  
SKINNY JEANS**

**\$99.50**



**NEW ARRIVAL**

**TOO BAD FLARE JEANS**

**\$109.50**



**NEW ARRIVAL**

**HIDDEN CHARM MID-RISE  
CUFFED SKINNY JEANS**

**\$99.50**



**NEW ARRIVAL**

**DOUBLE CROSS BOOT CUT  
JEANS**

**\$99.50**



**DEEP FEELINGS MIDRISE  
BOOT CUT JEANS**

**\$89.50**



**SILVER MOONSTONE MID-  
RISE SKINNY JEANS**

**\$99.50**



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**STEVEN A82 ALT  
STRAIGHT CUT  
JEAN**

\$179.00

**BEN K45 BIKER  
JEAN**

\$199.00

**GEO K8 BIKER  
JEAN**

\$199.00

**CHATWIN J201  
STRAIGHT CUT  
JEAN**

\$169.00



ELBER J200  
STRAIGHT CUT  
JEAN

\$179.00



STEVEN A83 ALT  
STRAIGHT CUT  
JEAN

\$189.00



STEVEN A208  
ALT STRAIGHT  
CUT JEAN

\$159.00



TOMSHI A204  
ALT STRAIGHT  
CUT JEAN

\$189.00



BENEY A202 ALT  
STRAIGHT CUT  
JEAN

\$174.00

ECE A202 ALT  
STRAIGHT CUT  
JEAN

\$179.00

DALY J401  
STRAIGHT CUT  
JEAN

\$174.00

OLEN J206  
STRAIGHT CUT  
JEAN

\$169.00



**JACK K30 BIKER  
JEAN**

\$189.00



**BAILLE J202  
STRAIGHT CUT  
JEAN**

\$174.00



**BONAKK J402  
STRAIGHT CUT  
JEAN**

\$179.00



**TRIPP B203  
BOOT CUT JEAN**

\$169.00



**JACK A32 ALT  
STRAIGHT CUT  
JEAN**

**\$189.00**

**STEVEN A207  
ALT STRAIGHT  
CUT JEAN**

**\$189.00**

**VIETIA A204 ALT  
STRAIGHT CUT  
JEAN**

**\$174.00**

**ADAIN A202 ALT  
STRAIGHT CUT  
JEAN**

**\$189.00**

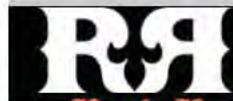
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RISE SKINNY  
CUT JEAN**

\$159.00

**BARBILA S208  
SKINNY CUT  
JEAN**

\$174.00

**JONI J204  
STRAIGHT CUT  
JEAN**

\$179.00

**CELINE S204  
SKINNY CUT  
JEAN**

\$179.00



ENA B204 BOOT CUT JEAN

\$174.00

DILETTA B BOOT CUT JEAN

\$174.00

MAAJE J209 STRAIGHT CUT JEAN

\$179.00

ENA S25 SKINNY CUT JEAN

\$169.00



JULIETA S204 SKINNY CUT JEAN

\$169.00

COE S206 SKINNY CUT JEAN

\$174.00

BARBY SM401 MID RISE SKINNY CUT JEAN

\$159.00

MICA B202 BOOT CUT JEAN

\$174.00



**LANLAN B209  
BOOT CUT JEAN**

\$174.00

**STEPHANI B  
BOOT CUT JEAN**

\$179.00

**POLLARD B200  
BOOT CUT JEAN**

\$164.00

**ENA J26  
STRAIGHT CUT  
JEAN**

\$174.00



**ANALIS S10  
SKINNY CUT  
JEAN**

**\$169.00**

**MARE S202  
SKINNY CUT  
JEAN**

**\$174.00**

**LANLAN B208  
BOOT CUT JEAN**

**\$174.00**

**KAILYN B210  
BOOT CUT JEAN**

**\$174.00**

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